

# JacksonLewis

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January 29, 2024

**VIA ECF**

Hon. John P. Cronan  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St., Room 12D  
New York, NY 10007-1312

The request is granted. The fact discovery deadline is extended to April 30, 2024, the expert discovery deadline is extended to May 28, 2024, and the joint status letter described in Item 18 of the Case Management Plan is due June 4, 2024. The Clerk of Court is respectfully directed to close Docket Number 25.

SO ORDERED.  
Date: January 30, 2024  
New York, New York



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JOHN P. CRONAN  
United States District Judge

**Re: Joanna Gonzalez v. Nebraskaland, Inc., et al.  
Case No.: 1:22-cv-10413**

Dear Judge Cronan:

We represent Defendants in the above referenced matter. We write with the consent of Plaintiff's counsel to respectfully request a final extension of the deadlines to complete fact discovery (and all subsequent deadlines) to April 30, 2024, and expert discovery to May 28, 2024.

Pursuant to Your Honor's Individual Rules, Section 3(B): (1) the original date for the Parties to complete fact discovery is presently January 31, 2024 and expert discovery by February 28, 2024, and the Parties respectfully request the deadline for fact discovery be extended to April 30, 2024 and expert discovery extended to May 28, 2024; (2) the reasons for the request are listed in the following paragraph; (3) there have been three prior requests for an extension of the discovery deadline made on May 18, 2023, September 27, 2023, and November 30, 2023 (4) the prior requests for an extension of the discovery deadline was granted; and (5) this is a joint request on behalf of the Parties.

The Parties have exchanged Initial Disclosures, Document Requests, Interrogatories and are in the process of exchanging electronic documents. The Parties submit this extension request for the following reasons. As we explained in our previous request, the exchange of ESI has presented unique challenges due to the July 2023, third-party ransomware attack on Defendant's systems which resulted in the deletion of certain inactive Outlook accounts, including the accounts of custodians sought by Plaintiff in this action. With the assistance of a third party forensic company, Defendants have been able to recover portions of active Outlook accounts for

purposes of the exchange of ESI. An affidavit from Defendant Nebraskaland's Chief Financial Officer, Steve Raptis, explaining the data breach, and efforts for recovery was provided to Plaintiff's Counsel. However, the recovery process has been slow and protracted. Defendants produced responsive documents from the email box of one custodian, Vanessa Edmead. Unfortunately, that custodial box is not complete. Defendants have been able to secure the outlook account of a second custodian, Daniel Romanoff, containing approximately 176,000 emails. Defendants expect to have responsive documents produced in the next 10 days. Second, because of the delay in recovery of the ESI, following an exchange, the Parties intend to take approximately three party depositions and at this time, three (3) non-party depositions. In the interests of judicial economy, the Parties have endeavored to conclude the exchange of ESI before commencing depositions.

Plaintiff hereby also respectfully requests that if this matter is to proceed to trial, that she not be prejudiced by the loss of such documents. As such, Plaintiff wishes to preserve her right to seek an adverse inference jury charge.

Thus, to preserve the Parties' respective resources, the Parties jointly and respectfully request this final extension of time to complete fact discovery, as well as all subsequent deadlines in this case. In accord with Your Honor's Individual Rules, a revised proposed Scheduling Order is attached.

Thank you for your courtesy and attention to this request.

Respectfully submitted,



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cc: Laura E. Bellini, Esq., Plaintiff's Counsel (via ECF)